

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 12 January 2006

CASE NO.: 2005-CLA-00011

IN THE MATTER OF:

ADMINISTRATOR, WAGE AND HOUR DIVISION,
U.S. DEPARTMENT OF LABOR
Plaintiff,

v.

OUACHITA LUMBER OF UNION PARISH, INC.,
d/b/a HOME IMPROVEMENT OUTLET,
and FRED NORRIS
Respondents

DECISION AND ORDER APPROVING SETTLEMENT

This proceeding arises from a complaint filed against Ouachita Lumber of Union Parish, Inc., d/b/a Home Improvement Outlet, and Mr. Fred Norris, alleging violations of the Fair Labor Standards Act as amended (FLSA), 29 U.S.C. § 216(e). All actions related to the complaint, including the following proceedings, have been taken pursuant to the regulations issued at 29 C.F.R. Parts 579 and 580, and the Rules of Practice and Procedure for Administrative Hearings before the Office of Administrative Law Judges found at 29 C.F.R. Part 18.

On December 19, 2005, the parties submitted the attached Consent Findings, Agreement and Order (hereafter "Agreement")(Attachment 1), duly executed by all parties to the litigation, for approval. Pursuant to 29 C.F.R. § 18.9, the Agreement is accepted and approved, and the agreed findings, terms, conditions, and conclusions contained therein shall constitute my findings and conclusions of law.

This case had been set for a December 15, 2005 hearing in Shreveport, LA. On December 7, 2005, I issued an Order canceling the hearing after the parties told me they had reached a settlement and were then preparing a settlement agreement for my review.

The Agreement includes the following agreements between the parties:

1. This Decision and Order Approving Settlement¹ when entered shall have the same force and effect as an order made after a full hearing;
2. The entire record on which this Order is based shall consist solely of the Order of Reference, including the attachments thereto, and the Agreement;
3. The parties waive any further procedural steps before the Administrative Law Judge;
4. The parties waive any rights to challenge or contest the validity of the Findings and/or Order entered into in accordance with this Agreement;
5. Each party shall bear its own fees and other expenses incurred in connection with this action;
6. Respondents, without admitting any violations of the Act, and in order to amicably resolve the disputed issues of fact and law, have agreed to the entry of the Consent Findings and agree to pay the total civil monetary penalty of \$3,960.00 in three monthly installments to the Wage and Hour Division as stated in the Agreement.

ORDER

Having found the settlement agreement to be fair, equitable and in the public interest, it is hereby **ORDERED**:

1. That such findings, terms, and conditions of the Consent Findings, Agreement, and Order are accepted and approved;
2. That the parties are bound by the findings, terms, and conditions of the Agreement and shall comply with them.

A

WILLIAM S. COLWELL
Administrative Law Judge

Washington, D.C.
WSC:dj

¹ The parties use the term "Consent Findings, Agreement and Order." I find that term to have the same meaning and effect as my term "Decision and Order."